

---

THE  
ANSWER  
OF A  
*Barrister at Law*  
TO THE  
CURATE of Eng--field,  
Concerning the BIRTH of a Sup-  
positious Child.

---

A

Price 6 d.

---

THE  
ANSWER  
OF A  
Barrister at Law  
TO THE  
CURATE of Eng-feld,  
Concerning the Birth of a Super-  
stitious Child.

---

Printed.

1/6  
THE  
ANSWER  
OF  
*A Barrister at Law*  
TO THE <sup>L---</sup>  
*Curate of En---*,  
Concerning the  
Birth of a Suppositious Child.

BEING  
A REPLY to some ARGUMENTS and  
printed QUERIES dispers'd in and  
about OXFORD, and other Places,  
and sent to the Author by the *Curate*,  
with a Challenge to answer Catego-  
rically.

---

---

London, printed in the Year 1713.



THE  
ANSWER  
OF  
A Barrister at Law  
TO THE  
Curate of En—

Concerning the  
Birth of a <sup>supposed</sup> suspicious Child.  
1718

BEING  
A REPLY TO  
printed & dispersed in and  
about OXFORD, and other Places,  
and sent to the Author by the Curate,  
with a Challenge to answer Catego-  
rically.

---

---

London, printed in the Year 1718.



---

S O M E  
**QUERIES**

Propos'd to

*Civil, Canon, & Common-Lawyers,*

Suppos'd to be penn'd by one L---y,  
and sent by the Curate to the Au-  
thor, with a Demand of a *Catego-  
rical Answer.*

---

*Query I.*

**I**F a Child is own'd by both Parents,  
is he to be taken for a True Child  
of those Parents, till he be legally  
prov'd to be otherwise?

*Query II.*

**I**s a Child own'd by both Parents to  
be set aside by any Suspensions or Reports  
before his Birth be legally disprov'd?

*Que-*

Query III.

Is the Birth of a Child own'd by both Parents to be doubted of when it could not be disprov'd by a Great, a Powerful, a Prevailing, a Vigilant, a Crafty, a Malicious, and a Clamorous Party, which call'd it in question?

Query IV.

Is the Birth of a Child own'd by both Parents to be doubted of, when it was never disprov'd by the next Heir, who had publickly Own'd it before God and Man, and who, tho' he after publickly call'd it in question, yet was never able to disprove it?

Query V.

Is the Birth of a Child own'd by both Parents to be doubted of, which was never disprov'd by the next Heir, who call'd it in question, and who declar'd he would referr the Examination thereof to certain Judges, when Assembl'd, but never did referr it, nor propose it, to them as he declar'd he would, who the Assembly were of his own Party, and several times call'd upon and challenged by the Child's

Child's Father to enquire into the Birth; nay, tho' the next Heir were got into possession of that Station which the Child's Father did claim while he liv'd for himself, and for his Child upon his demise; and tho' the said next Heir was thus bound in Conscience and Honour, had Power as well as Will, and Opportunity as well as Interest, to have disprov'd it, if he could have done it?

*Answer to the Five Queries above.*

*Ans.* As to the Fourth, his being publicly own'd before God and Man; if this be intended of one *Chevalier*, I suppose 'tis meant, that he was pray'd for in the Prince's Chapel before the Fleet, who so kindly invaded us, was ready; which Design must have miscarried if the *Prayer-book* at that time had been alter'd; but I should hope some Grains of Allowance would be made by the Clergy of his Conversation, since they pray for Our QUEEN, and at the same time believe the Pretender has the better Title, as Dean H— informs us. But, Sir, in short we need not trouble our selves whether the Pretender is Legitimate or no; for as by Law the Trust of the Inheritance of a Park may be forfeited by an Infant for himself and his Heirs for ever, in case the Park

Pale



Pale during the Infancy be pull'd down, or the Deer destroy'd; much more in the Case of a Kingdom, the Law has more regard to a Trust of Men, than to that of Deer: And K. J. by his general Dispensation of the Penal Laws and Test, (which was the Pale of our Constitution) and imprisoning of the seven Bishops, and other Forfeitures enumerated in the Act of Settlement, **Abdicated** the Kingdom, which Word **Abdication**, by *Holt* and *Treby* and the most learn'd in Civil and Common Law, was explain'd out of *Grotius* and *Livy* to imply a virtual Renunciation of the Crown, or a Forfeiture and Relinquishing out of Sense of Conviction; and for the Prince to have refer'd this Matter to select Judges, when the Parliament had already declar'd the Throne vacant by **Abdication**, would be to question the Power of Parliaments; whereas an Act of Parliament in *Q. Elizabeth's* time makes it a *Premunire* to question the Power of Parliaments in settling the Succession of the Crown. As to his Language §. 3, 'tis what must be expected from a prostitute Pensioner to *St. Germain's*.

### Query VI.

Is the Birth of a Child own'd by both Parents to be doubted of, or call'd in question, in a Country or Kingdom where there

there is no Law or Custom obliging the Parents to *call in* any solemn extraordinary Witnesses?

*Answer.*

Tho' what is said is a full Answer to all before, and to what follows, yet we say, in case of suspicion the Archbishop and other Bishops are to be call'd in.

*Query VII.*

Is the Birth of a Child own'd by both Parents to be doubted of when there were more Witnesses of his Birth than ever were of any other Child's Birth since the Creation of the World, and those Witnesses Persons of Quality and Distinction?

*Answer.*

Insisting as above, *ex abundante* we say, All those Witnesses who swore materially had Places or Pensions, or were Popish Volunteers for Religion, bound to lye in such a Case under the Penalty of Damnation. 'Tis plain, there was a strong Presumption of an Imposture; and a certain Earl, one of K. *James's* principal *Protestant* Favourites, on his Knees desir'd the Archbishop might be call'd out of the  
B. Tower,

*Tower*, as having a Right, in case of suspicion, to be a Witness, but was refus'd : And probably this was the true Reason at bottom why he and the rest of the Seven Bishops were put into the *Tower* ; but Queen *ANNE*, the next Heir in place, was by Art sent to the *Bath*, and disappointed of seeing the Delivery, the Queen having given out a Reckoning six Weeks, which was at least a Month longer than the *Contrivance* of a Delivery happen'd, and so the Princess lost the Opportunity of looking into the great Warming-pan. For the rest I refer you to the History of the *Third Pretender*, writ by an excellent Hand.

### Query VIII.

Has not that Child then, whose Birth was never disprov'd, a Legal and Just Title to his Birth ?

### Answer.

No ; since, as above, his Father abdicated for himself and his Heirs.

### Query



Query IX.

Has that Child, who has a Legal and Just Title to his Birth, a Legal and Just Title to his Birthright also?

*Answer.*

No; the Father had no Right, and the Son has none, tho' he was not Supposititious.

Query X.

Can he who is in possession of the Titles to *Birth* and *Birthright* be defeated of them till they are legally disprov'd?

*Answer.*

We say *Abdication* by Act of Parliament is in nature of a common Recovery, and docks all Entails and Titles whatever.

Query XI.

Whether is not he who is in possession of a Just Title to his Birthright, in possession also of a Just Title to all things that belong to him by his Birthright?

*Answer,*

As just above. These Titles are  
dock'd, Sir.

*Query XII.*

Whether can a Man be discharg'd from  
his Legal Duty in Conscience, who is not  
justly discharg'd of it?

*Answer.*

We are under all the Tyes of Religion  
and Honour, with the hazard of our  
Blood to transmit down to *Posterity* the  
noble Constitution and Liberties which  
so many of our Ancestors have gloriously  
fought for, and oppose this *Perkin* obtru-  
ded on us by *Romanists* and *Frenchmen*,  
and endeavour to bring him to Justice, as  
a Traytor by Act of Parliament; and the  
more, since we are inform'd from very  
good hands this is the *third Pretender* put  
upon the Nation; as, *vide* the History of  
*James* the Third, or the Third *James*, as  
abovesaid.

*Que-*

*Query XIII.*

Whether is a Legal Proof or Evidence of a Birth, without any Proof or Evidence to the contrary, a Convincing Proof?

*Answer.*

*Vide* the Answer to the first Five Queries.

*Query XIV.*

Whether the owning the Birth of a Child by a powerful and malicious Party, who had disown'd it, and slander'd his Parents many Years, be not sufficient Arguments for his Birth against that Party?

*Answer.*

He was never own'd by *Whig* or *Tory*, but the Depositions (such as they are) perhaps are made use of as an Argument to shew, that tho' the Queen has two Titles, the one by Inheritance, the other by Act of Parliament, yet the latter is less liable to be call'd in question, and  
one



one would think they should both go hand in hand.

As to the Charge of Slandering K. J. he means ( I suppose ) that our late Patriots call'd him *Papist* : And sure 'twas a Curiosity of great Honour, Good-nature and Sincerity in him, that when he made that Profession the *Zenith* of his Glory, he should bring Actions for 100000 *l.* Damages, to ruin the Honestest and Bravest of our Gentry, for calling him that which he counted his great, his everlasting Merit to be ; not to mention the extraordinary Manner of Death which happen'd to his Brother, which the Oratour of the Jesuite's College at Rome, in his Compliments to my Lord Castlemain, pleasantly terms that *Sanctissimus Jacobus dedit alas fratri suo Carolo quibus avolaret ad Cælum*, alluding (no doubt) to *Mercury* the Messenger of the Gods, who is painted with Wings, and carries such Great Souls to an *Apotheosis* in the Regions above.

Another Slander charg'd on those worthy Patriots, as the Authors of it, was, That he rescued with his Guards the Fiers of *London* from Justice ; which is certainly made out in the Story of *Hubert*, and may be reckon'd in the red Calendar of his Merits, in a Religion where Eating of God, poisoning of Kings, massacring

cring Nations, firing of their own Capitals, blowing up with Gunpowder the whole Body of a Nation in its Representatives, are so many Steps in *Jacob's Ladder* toward Heaven.

*Query XV.*

Is it Christian or Just, to set aside the Birth and Birthright of an innocent Person, whose Birth has such Legal Proofs and Evidence, which never was or can be disprov'd?

*Answer.*

Insisting as above, *ex abundante* we say the *Churchmen*, whom Mr. L—y principally admires, have in a hundred Addresses made a Jest of these imaginary Legal Proofs, and recogniz'd the Queen's Title by Descent notwithstanding; and among the rest, this Week, that worthy *Bishop* in the *North*, who was K. *James's* Courtier, has recogniz'd the Family of *Hanover*. Let this go for *Argumentum ad Hominem*.

*Que-*

*Query XVI.*

Is it Reasonable or Just, were it Law-ful, to deprive a Child of his Birthright while an Infant, upon the Pretence of any Religion, which in his Infancy he was utterly incapable of understand-  
ing?

*Query XVII.*

Is it Reasonable or Just, were it Law-ful, to deprive a Child of his Birthright for being bred up in the Religion his Parents profess'd, and which was the on-ly Religion of the Country in which he was bred?

*Query XVIII.*

Is it Reasonable or Just, were it Law-ful, to deprive a Child of his Birthright for being bred up in the only Religion he could learn in the Place he was forc'd to be in, by those very People who took upon 'em to deprive him of his Birth-right while an Infant, because he was of that Religion?

*Answer.*



*Answer to XVI, XVII, XVIII.*

Supposing his Father had not abdicated, nor himself been a Child impos'd, (of which there are such strong and more than common Probabilities) yet being bred up a *Frenchman* and a *Papist*, he ought to be laid aside by an *English* Parliament: For, as to the former, by the Judgment of the Bishops and Great Men of the Realm, *Robert of Normandy*, the *Conqueror's* eldest Son, (who was sent young into *Normandy* by his Father, as the *Chevalier* was) was laid aside, (tho' *France* in that day was of the same Religion with this Nation) as being a *Frenchman*, and by Education a profess'd Enemy to *England*, and brought up to Principles of Slavery, different from our *English* Liberty, but much more now in case of Popery, which must tend to the total Subversion of our Government, since the *Church of England* is interwoven, and essential to our Constitution.

I hope here I may go one Step farther, for tho' I can't think Dominion founded in Grace, yet of all the Religions that are or ever were since *Adam*, sure *Popery* is the single Perswasion in a Prince,

C that

that neither a *Protestant* Subject, nor any other Denomination of Religion besides *Papery* can ever acquiesce under.

And here I must referr my self to you, who are such a Master of the Records of Antiquity, to pick out thence such another bloody Perswasion as *Papery*; suppose the Worship of *Moloch*, of *Balthus Omestes*, or the Furies whom *Myrridates*, King of *Pontus* worship'd: Why, Sir, in the first, on some high Festivals, they made their Children pass thro' the Fire: in the two last, young Virgin-Ladies were offer'd up in Sacrifice, to atone the Gods before a Battel; and even this was compounded for with a Virgin-Coir, by the belt of Men, *Epaminondas*. But here your Votary of an intended Prince, is to sacrifice not a few Children on a high Festival, not a Virgin or two upon a Battel (as then) decisive of a Kingdom, but Myriads of Innocent Men, his best Subjects, are by way of banter on *CHRIST's* Religion to be deliver'd up in the Bowels of *Jesus* (the Prince of *PEACE*, and Lord of *LIFE*, the meek and humble *JESUS*) not to be hurt, when that very moment a *Sant-benito* Coat, with the Representation of such another Execution in Hell painted thereon, is put on them, and the

the poor Wretches (Martyrs of that very JESUS) to be roasted alive in the Flames by the Executioner, and this to be done whenever the Malice, the Avarice, the Politicks, the Caprice, or blind Zeal of a Pope or Archbishop shall think fit to butcher Protestant Subjects, and plant new Colonies of Papists in their stead: And sure the Wisdom of a Protestant Constitution does eternally justify it self in making a Person of such a Perswasion utterly incapable to reign over them, upon Seneca's Rule of, *Ergo Parentem est in omnibus Patri; tamen non in eo parendum est in quo efficitur ne sit Pater*: In a Farmer's English, That Heaven never laid an indispensable Obligation on the Sheep, to take a Ravening Wolf for their Shepherd.

### Query XIX.

Is it reasonable or just, were it lawful, to deprive a Child of his Birthright, for being of this or that Religion, without giving the same Encouragements to Conversion which are given to all other People of that Religion; or without any *Proviso* to restore him in case he should return to the Religion of the Deprivers themselves?



## Answer.

'Tis reasonable, just and lawful when he turns to *Papery*; since, besides what is said above, he can never give us better evidence of his sincere Conversion than by Swearing to preserve the Church of *England* as *K. J.* did; which however by the *Popes* Dispensation, and the Principles of his Religion, he thought himself oblig'd to break upon the very first opportunity. Thus did *Q. Mary* with the *Suffolk-men*; and Sir, in your time and mine, *Obadiah Walker*, who carry'd the greatest Face of Religion in our University, had a round Dispensation to swallow all our Oaths and Sacraments in order to pervert the young Students of Quality. And 'tis well known by the Council of *Constance*, no Faith is to be kept with *Hereticks*; and pray, Sir, with what Cords will you pretend to tie a Man of so dangerous a Perswasion, (for Religion without a Solecism one cannot call it) which denies all the Fundamentals of Morality, as Oaths, Vows, Promises, though all made at the Altar, which neither *Jew*, *Pagan*, or *Mahometan* ever yet deny'd and justly reproach Christianity (meaning the *Popish Perswasion*) withal, as an eternal Blemish? And this  
single

single point, without the rest abovemention'd, does plainly shew a *Papist* to be the direct Reverse of the God of Truth and the Religion of the Holy Jesus, and never to be confided in by Men of Reason, of Common Sense, or of any Religion besides their own.

### Query XX.

Can a Man have his Birthright legally and validly taken from him that has no superiour Authority above him that can, or could take away his Birthright?

### Answer.

It appears by *Magna Charta*, confirm'd by K. *John* and *Henry 3d*, that in case the King break *Magna Charta*, the Barons or great Men of the Realm might *disfringere illum per Castellam suam*, &c. and *Grotius*, whose Learning in Canon, Civil-Law and Divinity was never yet question'd, puts this Case very fair, *Si partem Imperii habeat Rex, partem populus aut Senatus, Regi in partem non suam Involanti vis justa opponi poterit nullus dubito, quia eatenus Imperium non habet, quod cum sit, etiam belli jure id quod suum est potest amittere, quod locum habere censeo*: Tho' the Power of the Militia be lodg'd in the King, for that (says he) must

must be understood to be lodg'd in his  
 hands, to be employ'd against Foreigners,  
 not against his own Subjects, who are up-  
 on their just Defence. Now this was the  
 Sense of all the Brave Patriots and Lear-  
 ned Bishops in the first Reigns, and of the  
 most Pious and Learned Bishops and No-  
 bility in the later; as in *William Rufus*,  
*Henry 1. Stephen, Rich. 1. John, Henry 3.*  
*Edw. 2. Rich. 2. Hen. 4. 5. 6. Edw. 4. Hen. 7.*  
*Q. M. 1. &c.* Some of them made on Pro-  
 mise to observe the great Charter, others  
 made either *per Barones* or Parliament up-  
 on such Stipulation, (without regard to the  
 Notion of a *Jus Sacrum* unalterable) or un-  
 made for breaking the Original Contract;  
 And let me tell you, Sir, there are of  
 Mr. Dean's *virī boni & graves* that will  
 challenge you to produce, amongst those  
 Reigns which were uninterrupted, Five  
 since the Conquest who had a Direct, He-  
 reditary, Undisputed Right, which did  
 not want some Parliamentary Recogni-  
 tion: So that all these Idle Notions of  
*Absolute and Unconditional Power*, and an  
*Obedience unlimited*, which are built on  
*Indefeasible, Inherent, Unalterable Right*,  
 have no Foundation in *Civil, Common, or*  
*Canon Law* receiv'd in this Nation, but  
 were always the Language of *Jesuites*, of  
*Boutefeu's*, or of some loose Courtiers, who  
 hug a Doctrin that picks the Money of a  
 Na-



Nation out of the Subject's Pocket, to put it in their own; or, lastly, of some Inferiour Priests, their Emissaries, who thus rise from the Scum of the Earth, like Meteors, to enflame the World, and roll into bright exalted Stations by being Traytors to their Native Country and Constitution.

And here, Sir, give me leave to recollect to you what must have occur'd to you in your learned Lucubrations, how *Bracton*, that ancient Civilian of *Henry the Second's* time, says, *Rex non habet superiorem in Regno nisi Deum & Legem per quam factus est Rex*; And your Diocesan of *York*, in his excellent Sermon before the House of Lords, declares, "The Law is equally a Measure of our Submission, and of the Prince's Power. And the Reverend Bishop of *St. Asaph*, in his late Excellent Preface, says, *Our Obedience is due to the Laws*. And 'tis known our two neighbouring Diocesans, and the best part of, if not all, the Bishops are of the same Opinion. And this Position leads me to an Answer to your Objections, which the gaiety of Company prevented: *First*, That Kings never die; and, *Secondly*, That they can do no Wrong, to make them consistent with our Obedience according to Law, (as you know,

in

in Scripture he is an ill Expositor that makes the Texts interfere.) Why, Sir, then the meaning of the first is, That when a King dies there is no *Interregnum*, but the Process of Law and Series of Government is continu'd without interruption, whether the next who succeeds be direct in the Line, or any other of that Line recogniz'd by Act of Parliament; and for his doing no Wrong, or being unaccountable, 'tis intended only that (generally speaking) his Ministers, and not he, are accountable; but 'tis not meant, if with Don Pedro of Portugal he frolicks in the Murder of his Subjects, or if with Sigismund King of Sweden, or our late K. J. he does *cum ratione insanire* subvert the Frame of those Laws which made him King, and violate that Coronation Oath which is a Stipulation with Subjects in the presence of God; why, Sir, 'tis not here meant, that in such Cases a King does no Wrong; no, Sir, I here again appeal to Mr. Dean's *viriboni & graves*, in Cases of such Extremity we are not ty'd down to *preces & lachryma*; but since we are to be wise as Serpents as well as harmless as Doves, in the first Case the People may put their Prince in Custody as a Madman, as they did

did in *Portugal*, and in the latter do as we did in *England* in the Case of K. J.

But here I should do you wrong to omit your Objection so often insinuated, That K. J. did not abdicate, but was forc'd to quit; I will suppose *Argumentis causâ* it was so, yet however, give me leave to tell you, such flaming Facts as we charge, and are enumerated in the Act of Settlement of the Crown, as above is said, are a virtual *Renunciation* or *Abdication* of Government, tho' he did not quit, as we say he did; for, Sir, in limited Monarchies one may modestly say, *Ubi incipit tyrannus desinit Rex*.

The Dictators of *Rome*, under the form of *Ne quia detrimenti Respublica capiat*, had a plenitude of Power; and so had the *Decemviri*. Now tho' by these Words a full Power was conferr'd, 'twas however always understood to be a Trust originally intended for the People's Preservation. *Appius Claudius*, at the head of the *Decemvirate*, as all Tyrants use to do, took advantage of the necessity of the Times, which had vested him and the rest of the *Decemviri* with that Power, and interpreting himself to be unaccountable for his doings, subverted the whole frame of the

D *Roman*



*Roman* Constitution by several foul Facts, the People of *Rome* rise up in Arms, *Appius* abdicated, now, Sir, I crave leave to say (with submission to my reverend Fathers) *Appius* without running away, *eo instante*, that he by those vile Facts subverted the *Roman* Constitution, abdicated, and by it that plenitude of Power became vacant, and so consequently a Devolution follow'd to the People of *Rome*, the original Power, and they getting into Arms, put the Sentence of *Abdication* in Execution undoubtedly by force, tho' 'tis term'd *abdica vit se Majestratu*: And to this purpose amongst the Dictators are many more Instances.

I'll explain this farther, by your leave, with an Instance; An Act of Parliament makes me excommunicate *ipso facto*: I strike a Man in the Church-yard, why then *eo instante* I strike, I am excommunicate, *i. e.* virtually Excommunicate; but to us this Sentence does not appear, nor is actual till the Judge of the Court pronounce the Sentence: Then, say I, the Sentence shall have relation to the time of the committing the Fact. Now the People of *Rome* in *Appius's* Case were *quasi*, the Judge of the Court, to pronounce that Sentence of *Abdication*, whereas the virtual

tual *Abdication* or *Renunciation* was done before by *Appius*, when (as above is said) he overthrew the Constitution by those foul Facts: And this, by your favour, I compare with the Case now in hand: But, Sir, when all is said and done, next to the Divine Assistance, this Nation ought to make eternal Addresses of Thanks to you, Gentlemen of the Gown, and to record you for ever in the glorious Annals of Time, for laying the Scene and effecting the *Revolution*; whereas if you who are the Keepers of our Consciences had resigned us up, and tamely quitted our Liberties, as the Gentlemen of the same Gown and Religion did in our two neighb'ring Kingdoms, we had been, alas, irreparably lost, for there the Gentry are ever since condemn'd to Chains of Dark Ignorance, and to a deplorable Slavery far worse than that of *Turky*; where still the fifth part is reserv'd to the Landholder, but there the Inheritance of all the Nobility and Gentry is actually seiz'd into their Prince's hands, and the finest Palaces of their Nobles into the hands of the mercenary Soldiers; and the most illustrious Descendants of Dukes and Lords, who had about 40 years ago 20 or 30000 *l.* *per Annum* Revenue, are now, for Bread, contented to be Excisemen of Places of

about 20 or 30 *l. per Annum* (as a reverend Prelate and great Statesman has well observ'd); and some of the melancholy Posterity of their Speakers in the *House of Commons* are now no better than Mousetrapmen, Rat-catchers, and Scavengers, or some such other base Employ: Now, Sir, as I hope you Gentlemen of the Gown can never repent of the Triumphs you occasion'd when K. *William* landed, in return to your One-and-twenty Propositions, give me leave to put you One single one, Whether a 10 Years War, and all its consequences of Anarchy and Confusion, and all the Calamities which three brave Gentlemen in four, in those Northern Kingdoms, could possibly have risqu'd in a Civil War, were not in two such gallant Nations vastly preferable to their being infamously enslav'd in their Lands, their Goods, their Lives, and their very Souls; I mean, to such Gods as their *Nebuchadnezzars* at *Stockholm* and *Copenhagen* shall set up? But what is all this in comparison to the *Surca Caudina*, the Saws and Harrows we must pass under, when Slaves to a *French* King and his sham Deputy of a King, the Chevalier; both acted by the inveterate Spirit of Jesuitism, and all the Revenge 20 Years War and Exile, and the sworn Enemies of our Nation can inspire



spire them withal ; who besides the laying the poor Nation under a double Tribute (as *Judaea* was to *Augustus* and *Herod*) will undoubtedly consign us over to a barbarous and bloody Inquisition as above-said? But, Sir, I must not conceal, that in answer to all this, we are inform'd from very good Hands, that in pursuance of the 19<sup>th</sup> Proposition, the Author of these *Queries* is gone to *St. Germain's*, and has engag'd to make this Gentleman a very good *Churchman* ; now if he means such another as *K. James* was, or the Author of these *Queries*, I agree ; but for him to be a good Protestant *bona fide*, sure it is a Fancy more inconceivable than *Transubstantiation* it self, that a Gentleman Educated to the utmost nicety of Jesuit Instruction, and who owes his Original, his present Subsistence, and future Dependance to that great Monarch of *France*, should fly in the Face of such a Benefactor, (if I may so say) his very Creator, especially since the Secret of the several Births are lodg'd in that great Monarch's Breast, and he can either unravel the Mystery, or desert him ; and if he should act, or move, or breath without his direction, he can in one moment reduce him as the *Perkin* of *Henry* the Seventh was, from a glittering

tering Bubble of a King, to a poor Turnspit in the Kitchin, or some such other Employ, resembling much better his dark Original.

But he quotes Calvin and Martinus's Lexicon. *Notorium Prasumptionis est de Evidentia juris Prasumptum ut Paternitas filiatio ubi non requiritur alia probatio nisi prasumptionis & conjectura, quoniam de fil' Presbyt.* And much more to this purpose.

I answer.

Let me put this Gentleman, who is so well acquainted with St. Germain's and the French Court, in mind, that if the next Heir in France be not present at the time of the Queens delivery there, and admitted to look into the very Womb, as the Prince of Conde did when Lewis the 14th came into the World ; why, Sir, in that case the Presumption is, that the Child is supposititious, and the Common-Lawyers know, that if a Lady here be suspected to have a Design of imposing a Child, the next Heir may have a Writ *de ventre Inspeciendo*, and a Jury of Ladies inspect and handle the part suspected.

Mr,

Mr. L——y's Postscript to his  
 QUERIES.

Q. **W**Hether has a Native Child of a Country, own'd by both Parents, &c. or a Foreign Child, born of a Woman whose Husband was jealous of her, separated from her, and confin'd her, the best Title to Legitimacy? And, which of the two ought in Reason to be most the Concern of those of that Country where the Child was born, who was thus own'd by both Parents, &c.?

*I answer.*

A. **T**HE World knows, the Electoral Prince (if this malicious Query relates to him) was born long before this Difference and Separation happen'd, and then it was (as Jealousie usually is) as unaccountable as that of H. 8. and Queen Anne of Bulloign, or that of the Noble Paulus Amylius and his Lady, neither of which Ladies however had their Reputations question'd by any Good or Undesigning Man, tho' the latter was divorc'd, and the former met with a harder Fate. But, Sir, the Grief is, (to Mr. L——y's great mortification) as this Prince is a  
 very



very good *Protestant*, and probably may be one Day at the Head of that Interest, (tho' *may that Day come late*) so he is one of the most ingenious well-natur'd Gentlemen in *Europe*, and of that wonderful Generosity, that when his Rival in Empire ran away (the best Argument I know of for his Legitimacy) in the Battel of *Oudenard*, and betray'd that Army which was to have supported his Quarrel, here our young Prince (his Horse being shot under him) fac'd *Death* in all its shapes of Terror with a *True English* Courage, equal to the *Black Prince* or *Hen. V.* who conquer'd *France*: So that were a Successor now to be chosen, such a one ought to sit in the Seat of those glorious Predecessors, and be the adopted Son of *the Best of QUEENS.*

Sir, the *Categorical Answers* you so often demanded to these *Queries* will not sound very natural from the Mouth of one who has, long since, retir'd from the Learned World; and your Candour will, I hope, condescend to give a fair Hearing to *Reason without Sophistry*, and *Truth*, tho' not refin'd, *in barbara*, from

*Your very humble Servant.*



